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RICHARD J. SHANLEY;
WEAR THE BEST, INC.; and STIR CHEF LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARDENTE, INC. a California corporation,

Plaintiff,

vs.

RICHARD J. SHANLEY, an individual; WEAR
THE BEST, INC., a Connecticut corporation;
STIR CHEF LLC, aka STIRCHEF LLC, a
dissolved Connecticut limited liability company;
DYNAMIC LIVING, INC., a Connecticut
corporation; and DOES 1 through 20, inclusive,

Defendants.

Case No. C07-04479 EMC

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS
COMPLAINT**

Date: December 5, 2007
Time: 10:30 a.m.
Place: Courtroom C, 15th floor
Judge: Honorable Edward M. Chen

Case Filed: August 29, 2007

1 On December 5, 2007, the motion of defendants Richard J. Shanley, an individual, Wear
2 The Best, Inc. and Stir Chef LLC for an order dismissing the Complaint came on regularly for
3 hearing in the above-referenced court, the Honorable Edward M. Chen presiding. Having
4 reviewed the papers submitted in support of and in opposition to the motion, as well as having
5 considered the arguments of counsel, and the pleadings on file in this action, and good cause
6 appearing accordingly,

7 IT IS HEREBY ORDERED THAT dismissal of the Complaint is GRANTED. Plaintiff
8 has not carried its burden of showing that this Court may exercise personal jurisdiction over
9 defendants Shanley or Wear the Best, Inc., or that venue lies in this District. Further, plaintiff has
10 not met its burden of showing why Stir Chef LLC, a dissolved Connecticut limited liability
11 company, is subject to suit under the applicable Connecticut statute.

12 -or, in the alternative-

13 IT IS HEREBY ORDERED THAT dismissal of the Complaint is GRANTED. Personal
14 jurisdiction and venue are proper in this Court as to defendants Shanley and Wear the Best, but
15 the Complaint fails to state a claim upon which relief may be granted. The first claim for patent
16 infringement fails to give defendants adequate notice of the allegations against each of them. The
17 second claim for breach of contract is dismissed as against Shanley, who is not a party to either
18 agreement, and to the extent the claim alleges breach of the License Agreement by Stir Chef,
19 barred by the release contained in the Mutual Release Agreement. The third and fourth claims for
20 relief for fraud are dismissed as inadequately pled. Further, the Complaint in its entirety is
21 dismissed as to Stir Chef, a dissolved limited liability company that is not subject to suit on these
22 facts.

23
24 Dated: _____, 2007

Honorable Edward M. Chen
United States Magistrate Judge